

Introduced by Senator AndersonFebruary 22, 2013

Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 11 of Article VI thereof, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

SCA 13, as introduced, Anderson. Courts: appellate jurisdiction.

The California Constitution establishes the jurisdiction of the courts, providing that the Supreme Court has appellate jurisdiction when judgment of death has been pronounced. The California Constitution provides that courts of appeal have appellate jurisdiction when superior courts have original jurisdiction in causes of a type within the appellate jurisdiction of the courts of appeal on June 30, 1995, and in other causes prescribed by statute. The California Constitution authorizes the Legislature to permit courts exercising appellate jurisdiction to take evidence and make findings of fact when jury trial is waived or not a matter of right.

This measure would make technical, nonsubstantive changes to these provisions.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

- 1 *Resolved by the Senate, the Assembly concurring,* That the
- 2 Legislature of the State of California at its 2013–14 Regular
- 3 Session, commencing on the third day of December 2012,
- 4 two-thirds of the membership of each house concurring, hereby

1 proposes to the people of the State of California, that the
2 Constitution of the State be amended as follows:

3 That Section 11 of Article VI thereof is amended to read:

4 SEC. 11. (a) The Supreme Court has appellate jurisdiction
5 when judgment of death has been pronounced. With that exception,
6 courts of appeal have appellate jurisdiction when superior courts
7 have original jurisdiction in causes of a type within the appellate
8 jurisdiction of the courts of appeal on June 30, 1995, and in other
9 causes prescribed by statute. When appellate jurisdiction in civil
10 causes is determined by the amount in controversy, the Legislature
11 may change the appellate jurisdiction of the courts of appeal by
12 changing the jurisdictional amount in controversy.

13 (b) Except as provided in subdivision (a), the appellate division
14 of the superior court has appellate jurisdiction in causes prescribed
15 by statute.

16 (c) The Legislature may permit courts exercising appellate
17 jurisdiction to take evidence and make findings of fact when jury
18 trial is *either* waived or not a matter of right.